

**REMARKS/ARGUMENTS**

The Office Action mailed February 16, 2006 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Applicants gratefully acknowledge the indication of allowability of claims 4, 5, 12, 13 and 22-24, subject to the 35 U.S.C. §112 issues outlined in the Office Action and to their re-writing in independent form.

Claims 1, 8, 10, 15 and 19 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, paragraphs [0117]-[0120]. The text of claims 2-7, 9, 11-14, 16-18, and 20-26 is unchanged, but their meaning is changed because they depend from amended claims.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

**The 35 U.S.C. § 112, Second Paragraph Rejection**

Claims 8 and 19-21 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention. This objection is respectfully traversed.

Claims 8 and 19 have been amended to correct the dependencies in order to address the antecedent basis issues. As such, Applicant respectfully requests that this rejection be withdrawn.

#### Judicially-created Double Patenting

Claims 1-7, 10, 11, 13, 15, 24 and 25 were rejected pursuant to the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of prior United States patent No. 6,697,368. With this response a Terminal Disclaimer in compliance with 37 CFR §1.321(c) is presented to obviate this rejection. Accordingly, this rejection is now moot, and Applicant respectfully requests that it be withdrawn.

#### The 35 U.S.C. § 103 Rejection

Claims 1-3, 6-11, 14-21, 25 and 26 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bianchini Jr.<sup>1</sup> in view of Berenbaum et al.<sup>2</sup>, among which claims 1, 10 and 15 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.<sup>3</sup>

---

<sup>1</sup> U.S. Patent No. 6,842,422

<sup>2</sup> U.S. Patent No. 6,272,144

<sup>3</sup> M.P.E.P § 2143.

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Bianchini Jr. except that Bianchini Jr. does not teach that the plurality of blades coupled to the switching fabric are connected via serial pipes or wherein each blade outputs serial data streams with the same in-band control information in multiple stripes to the switching fabric.<sup>4</sup> The Office Action further contends that Berenbaum teaches a plurality of blades coupled to the switching fabric via serial pipes, wherein each blade outputs serial data streams with the same in-band control information in multiple stripes to the switching fabric and that it would be obvious to one having ordinary skill in the art at the time of the invention to incorporate Berenbaum into Bianchini Jr. in order to provide more efficiency for the digital switch. The Applicants respectfully disagree for the reasons set forth below.

Contrary to what is stated in the Office Action, Berenbaum does not teach or suggest “wherein each blade outputs serial data streams with the same in-band control information in multiple stripes to the switching fabric.” Specifically, Berenbaum does not teach or suggest striping at all. In Berenbaum, multiple line cards each send out a single message (see ATM cell 70 of FIG. 4 and corresponding text) to a switch fabric. There is no striping of the message into multiple messages. Hence, Berenbaum fails to teach “multiple stripes”. Berenbaum also then fails to teach or suggest having the same in-band control information in multiple stripes, as it is clear from Berenbaum that the control information is only contained in a single message, and that other messages will have different control information

---

<sup>4</sup> Office Action ¶ 7.

Furthermore, Bianchini Jr. fails to teach or suggest using the same control information in multiple stripes. Bianchini Jr. describes splitting a data stream into stripes at a receive interface (see FIG. 5), but does not describe anything about what control information would be in the two stripes.

As such, neither Bianchini nor Berenbacuh nor their combination teach or suggest “wherein each blade outputs serial data streams with the same in-band control information in multiple stripes to the switching fabric” as stated in claim 1.

As to independent claims 10 and 15, these claims contains elements similar to that as described above with respect to Claim 1, and thus Applicant respectfully maintains that this claim is also in condition for allowance

As to dependent claims 2, 3, 6-9, 11, 14, 16-21, 25 and 26, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

### Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP



---

Marc S. Hanish  
Reg. No. 42,626

Dated: 4/28/06

Thelen Reid & Priest LLP  
P.O. Box 640640  
San Jose, CA 95164-0640  
Tel. (408) 292-5800  
Fax. (408) 287-8040